

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6122

AN ORDINANCE authorizing and providing for the acquisition of interests in land for the purpose of completing the NE 15th Street (Zone 1) Project and implementing the City and Sound Transit Memorandum of Understanding related to the East Link light rail project; providing for condemnation, appropriation, and taking of land and property rights necessary therefore; providing for payment; directing the initiation of appropriate proceedings in the manner provided by law for said condemnation; and establishing an effective date.

WHEREAS, the Bel-Red Subarea Plan identifies a network of transportation improvements, including the construction of NE 15th Street from 116th Avenue NE to 120th Avenue NE (referred to as Zone 1); and

WHEREAS, on December 3, 2012, the City Council adopted the 2013-2019 Capital Investment Program (CIP), by Ordinance No. 6090; and

WHEREAS, the NE 15th Street (Zone 1), 116th to 120th Avenue NE, includes the public uses of constructing a new five lane arterial, with two lanes in each direction and turn pockets or a center turn lane where necessary, between 116th Avenue NE and 120th Avenue NE, with a separated multi-purpose path along the north side, and a sidewalk along the south side, curb, gutter, landscaping, irrigation, illumination, traffic signals, storm drainage, water quality treatment, and other utility infrastructure needed; and

WHEREAS, the City and the Central Puget Sound Regional Transit Authority ("Sound Transit") entered into that certain Memorandum of Understanding for Intergovernmental Cooperation ("Memorandum of Understanding") for the East Link light rail project dated November 15, 2011, wherein the City agrees to make certain properties available to Sound Transit for the purposes of construction and staging (the "East Link Project"); and

WHEREAS, the City and Sound Transit have identified in the Memorandum of Understanding the subject property as necessary for construction and staging for the East Link Project; and

WHEREAS, in conjunction with the East Link Project, the City intends to use the subject property for the transportation purposes described above; and

WHEREAS, the City Council finds that the public health, safety, necessity and convenience demand, that the NE 15 Street (Zone 1) and East Link projects be undertaken at this time, and that in order to carry out the projects and implement the

terms of the Memorandum of Understanding in furtherance of the East Link Project, it is presently necessary for the City to acquire interests and rights to the property described herein; and

WHEREAS, the City Council finds and declares it necessary and in the best interest of the public that interests in the land and property hereinafter described be condemned, appropriated, and taken for public use, subject to the making or paying of just compensation to the owners thereof; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES
ORDAIN AS FOLLOWS:

Section 1. The land and property rights within the City of Bellevue, King County, Washington, commonly known as 1445 120th Avenue NE (Tax Parcel No. 109910-0005) as now legally described in Exhibit "A" and generally depicted on Exhibit "B", are necessary both to implement the Memorandum of Understanding in furtherance of the construction of the East Link Project and for the construction of NE 15th Street from 116th Avenue NE to 120th Avenue NE (referred to as Zone 1), all as described above, subject to making or paying just compensation to the owners thereof in the manner provided by law.

Section 2. The City Council of the City of Bellevue finds the above-identified City transportation uses to be public uses, specifically the use of the subject property for the construction of NE 15th Street and the staging and construction of the East Link Project. The City Council specifically finds these projects to be necessary, and in the best interests of the citizens.

Section 3. The City Council of the City of Bellevue finds that the East Link Project is a public use, including the use of the subject property for construction and staging for the East Link Project through the course of construction of the approximately 6-mile light rail connection through the City of Bellevue, with related uses, as provided in the Memorandum of Understanding. The City Council specifically finds the construction of the East Link Project to be necessary, and in the best interests of the citizens.

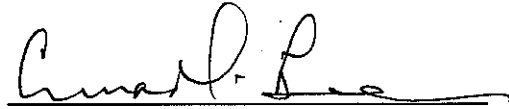
Section 4. The cost and expense of acquiring the property rights described in this ordinance shall be paid from the Capital Investment Program (CIP) Plan, from other general funds of the City, including from levy funds, where applicable. The Director of the Civic Services Department or her designee is hereby authorized to negotiate with, make offers to, and execute agreements with the owners of said land or property interests, for the purposes of: obtaining property interests; entering into lease agreements with property owners (lease-backs) between the time of acquisition and start of construction; making or paying just compensation; and, approving the payment of just compensation as negotiated with said owners or as ordered by the Court.

Section 5. In the absence of negotiated purchases with the affected property owners, the City Attorney or her designee is hereby authorized and directed to undertake proceedings provided by law to condemn, appropriate, and take the land and property rights necessary to carry out the provisions of this ordinance. In so doing, the City Attorney or her designee is authorized to utilize legal descriptions and depictions of the property rights condemned herein in a format more precise than those general descriptions and depictions set forth in Exhibits A and B. The City Attorney or her designee is further authorized to approve and enter into any and all agreements, stipulations, and orders necessary to carry out the provisions of this ordinance, including the payment of just compensation as agreed to with the property owners, or as ordered by the Court.

Section 6. This ordinance shall take effect and be in force five (5) days after passage and legal publication.


Passed by the City Council this 3rd day of September, 2013, and signed in authentication of its passage this 3rd day of September, 2013.

(SEAL)


Conrad Lee, Mayor

Approved as to form:

Lori M. Riordan, City Attorney


Monica A. Buck, Assistant City Attorney

Attest:


Myrna L. Basich, City Clerk

Published September 6, 2013.

EXHIBIT A

Legal Description

Parcel 1, City of Bellevue Short Plat Number 80-16, recorded under Recording Number 8101239001, Records of King County, Washington, being Lots 3 through 5, inclusive, and portions of Lots 14 through 16, inclusive, Brierwood Park, according to the Plat thereof recorded in Volume 17 of Plats, Page 18, in King County, Washington;

Together with portion of vacated 118th Avenue Northeast adjoining.

EXHIBIT B

Property Depiction

Property Address: 1445 120th Avenue NE, Bellevue, WA 98005
(KC Assessor No. 109910-0005)

